

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TRI-M GROUP, LLC,)
v.)
Plaintiff,)
THOMAS B. SHARP, SECRETARY, DELAWARE) Civil Action No. 06-556-***
DEPARTMENT OF LABOR,)
Defendant.)

STIPULATION TO AMEND SCHEDULING ORDER

The parties, by and through their undersigned counsel, hereby stipulate and agree, subject to the Court's approval, to amend the Court's March 20, 2007 Scheduling Order as follows:

1. (Amending current paragraph 3(c)) All discovery in this case shall be initiated so that it will be completed on or before December 31, 2007.
2. (Amending current paragraph 3(d)) For the party who has the initial burden of proof on the subject matter, the initial Federal Rule 26(a)(2) disclosure of expert testimony is due on or before November 1, 2007. The supplemental disclosure to contradict or rebut evidence on the same matter identified by another party is due on or before December 3, 2007. Along with the submissions of the expert reports, the parties shall advise of the dates and times of their experts' availability for deposition.

3. (Amending current paragraph 9) All case dispositive motions, an opening brief, and affidavits, if any, in support of the motions shall be served and filed on or before March 17, 2008. Briefing will be presented pursuant to the Court's Local Rules.

/s/ Matthew A. Kaplan

M. Duncan Grant (Del. Bar No. 2994)
Matthew A. Kaplan (Del. Bar No. 4956)
PEPPER HAMILTON LLP
Hercules Plaza, Suite 5100
1313 N. Market Street
P.O. Box 1709
Wilmington, DE 19899-1709
(302) 777-6500

Stephen J. Sundheim, Jr. (*pro hac vice*)
Glenn A. Beard (*pro hac vice*)
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Attorneys for Plaintiff, Tri-M Group, LLC

Approved by the Court this ____ day of August,
2007.

/s/ Linda M. Carmichael

Linda M. Carmichael (Del. Bar. No. 3570)
Deputy Attorney General
820 North French Street, 6th Floor
Wilmington, DE 19081
(302) 577-8400

Attorney for Defendant

Thynge, M.J.

Pepper Hamilton LLP
Attorneys at Law

Hercules Plaza, Suite 5100
1313 Market Street
P.O. Box 1709
Wilmington, DE 19899-1709
302.777.6500
Fax 302.421.8390

Matthew A. Kaplan
direct dial: (302) 777-6528
kaplanm@pepperlaw.com

August 27, 2007

Via ECF and Hand-Delivery

The Honorable Mary Pat Thyng
J. Caleb Boggs Federal Building
844 N. King Street
Room 6100, Lockbox 8
Wilmington, DE 19801

Re: TRI-M Group, LLC v. Thomas B. Sharp, Secretary, Delaware
Department of Labor
United States District Court for the District of Delaware
C.A. No. 06-556-***

Dear Magistrate Thyng:

We represent the plaintiff in the above-referenced case. I am writing on behalf of both parties to request the Court's approval of the enclosed Stipulation to Amend Scheduling Order. The parties have exchanged written discovery but have not yet completed fact depositions. Under the Court's current Scheduling Order, plaintiff's expert disclosures are due on August 31, 2007, and defendant's expert disclosures are due on October 1, 2007. Plaintiff proposed and defendant agreed, subject to the approval of the Court, that since fact discovery is not complete and it is not yet clear whether expert testimony will even be necessary, it would be appropriate to extend the expert disclosure deadlines for approximately sixty days as set out in the stipulation. The stipulation provides for a corresponding extension of the deadlines for discovery and dispositive motions to accommodate the completion of expert discovery following the expert disclosures.

Thank you for your consideration.

Yours sincerely,



Matthew A. Kaplan (#4956)

MAK:nlm
Enclosure
cc: Linda Carmichael, Esquire

Philadelphia	Boston	Washington, D.C.	Detroit	New York	Pittsburgh
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